

Docket No. 12637/95

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/758,781 Confirmation No. 6304  
Applicant(s) : REZAI Customer No. 23838  
Filed: : 15 Jan. 2004  
Art Unit : 3766  
Title: : MODULATION OF THE BRAIN TO AFFECT PSYCHIATRIC  
DISORDERS  
Examiner : F. Oropeza

**Rule 132 Declaration of Dr. Ali Rezai**

I, Ali Rezai, M.D., hereby declare as follows:

1. I am the inventor listed on the above-referenced patent application.
2. I am the Director of Functional Neurosurgery at the Cleveland Clinic, a position I have held since 2000. Prior to this, I was the director of the Center for Functional and Restorative Neurosurgery at New York University Medical Center. I am a board-certified neurosurgeon with a medical degree from the University of Southern California and neurosurgical training at the New York University Medical Center. I also completed subspecialty training in functional neurosurgery at the University of Toronto and the Karolinska Institute in Stockholm, Sweden.
3. I am a member of the American Association of Neurological Surgeons, the Congress of Neurological Surgeons, the Society of University Neurosurgeons, the Society for Neuroscience, and a Fellow of the Institute of Physics. I have published over 100 articles and more than 20 book chapters and serve on the editorial board of Neurosurgery Journal, among others. I have also delivered over 300 lectures nationally and internationally, and chaired numerous

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symposia and meetings.

4. I have extensive experience in neurosurgery involving deep brain electrical stimulation on human patients. Based on my experience, training, and education, I have expert knowledge about deep brain stimulation.

5. I have read and understood U.S. Patent Application Publication No. 2004/0172091 ("the Rezai publication"). In FIG. 2, the Rezai publication shows the various connections/projections that are implicated in the circuitry of psychiatric activity and disorders. FIG. 4 focuses on the bilateral projections between the intralaminar nuclei (ILN) and other parts of the brain, including PFC/OFC (pre-frontal cortex/orbital-frontal cortex), anterior cingulate, basal ganglia, posterior parietal cortex, substantia nigra, and brainstem RAS.

6. ¶ [0072] of the Rezai publication states: "In addition to being applied to the patient's intralaminar nuclei or portion thereof, the electrical stimulation can also extend to other regions of the brain." This statement in the Rezai publication, by itself, indicates that stimulation can be applied to both the ILN and another site in the brain. Furthermore, when this statement is considered in view of the Rezai publication's description of the interconnections between the ILN and other brain sites, it further reinforces that stimulation can be applied to both the ILN and another site in the brain.

7. Therefore, based on my experience, training, and education, it is my opinion that ¶ [0072] of the Rezai publication means that stimulation can be applied to the patient's intralaminar nuclei in combination with another site in the brain. Such other sites can include those indicated in FIG. 4 of the Rezai publication.

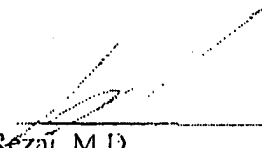
8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

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States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 3.11.09

Signed

  
Ali Rezaei, M.D.